

September 16, 1945

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Harry E. Foley
2034 East 7th Street
Tucson, Arizona

Dear Sir:

We have your letter of September 3, 1943, relative to the case of Walker Hyde.

Under the provisions of the State Police Pension Act, specifically Subsection "b2" of Section 16-1808, A. C. A. 1939, a person can only be retired under two conditions:

1. After an aggregate of twenty years service upon application of the member.

Obviously at this time Mr. Hyde cannot qualify under that provision.

2. For physical disability in the absence of an application when the Board deems it to the best interest of the department and the City Physician certifies that the member is physically unfit for further police service.

Mr. Hyde can be retired under that provision if the Board is willing and the City Physician makes the necessary certification.

The power granted to the Board to make rules and regulations would not grant the power to the Board to change the conditions and limitations upon which a person can be retired and receive a pension.

Our answer to your communication is, therefore, that at the present time Mr. Hyde can only be retired for physical disability under the above cited section.

We are sorry that your inquiry was not answered sooner but the writer has just returned from his vacation. We are glad to find that you have finally adopted a proper method for propounding your inquiries to this office and if you will only continue to follow that practice in the future, we are sure that answer will be almost immediately forthcoming.

Very truly yours,

JOE CONWAY, Attorney General

EDWARD P. CLINE, Assistant
Attorney General

EARL ANDERSON
Chief Assistant
Attorney General

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